

No. 38.

STANDING RULES

FOR CONDUCTING BUSINESS

IN THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TEXAS.

Adopted by the first Legislature.

AUSTIN:
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RULES

OF THE DUTY OF THE SPEAKER

1. He shall take the Chair every day previous to the hour to which the House shall have adjourned on the preceding day : shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum ; may speak in points of order in preference to other members, rising from his seat for that purpose ; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit : "as many as are of opinion that (as the case or question may be) say Aye ;" and after the affirmation is expressed, "as many as are of the contrary opinion, say No." If the Speaker doubts, or a division be called for, the House shall divide : those in the affirmation of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall direct the Clerk to tell the votes, which being reported, he shall rise and state the decision to the House.

5. When any motion or proposition is made the question, "will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.

6. The Speaker shall examine and direct the journal, before it is read; he shall have a general direction of the hall; he shall have a right to name any member, to perform the duties of the Chair; but such authority, shall not extend beyond an adjournment.

7. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot, the member required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which, a plurality of votes shall prevail, and in case a greater number than is required to compose or complete a Committee, shall have an equal number of votes, the House shall proceed to further ballot or ballots.

8. In all other cases, a ballot than for Committees, a majority of the votes given, shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be repeated, until a majority be obtained.

9. In all cases of ballot, or when the ayes and noes shall be taken by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, given to the minority will make the division equal; and in case of such equal division, the question shall be lost.

10. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.

11. All acts, addresses and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and seal attested by the Clerk.

12. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker or Chairman of the Committee of the whole House, shall have power to order the same to be cleared.

13. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere to effect their object, as shall not interfere with the conveniences of the House.

ORDER OF BUSINESS OF THE DAY.

14. As soon as the journal is read, the Speaker shall call for petitions: the petitions having been presented and disposed of,

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reports first from the select committees, and then from the select Committees shall be called for and passed. Resolutions shall then be called for, in the same manner, and disposed of by the same rules which apply to petitions.

15. After petitions, reports, resolutions and resolutions are gone through with it shall be the duty of the Speaker to entertain a motion, that the House do now proceed to the consideration of the business on the Speaker's table, and to the order of the day, which being decided in the affirmative, the Speaker shall dispose of the bills, messages and communications of the President, and then proceed to call the orders of the day.

OF DECORUM AND DEBATE

16. The business specified in the preceding rules, shall be done at no other part of the day, except by permission of the House.

17. When any member is about to speak, debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personalities.

18. If any member in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may call him to order, who shall immediately sit down, unless permitted to explain, and the House shall if appealed to decide on the case, but without debate, if there be no appeal the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed, if otherwise, he shall not be permitted to proceed, without leave of the House, and if the case require it, he shall be liable to the censure of the House.

19. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

20. No member shall speak more than twice to the same question, without leave of the House, nor more than once, until every member choosing to speak, shall have spoken.

21. If the question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice in the preceding day, shall be permitted again to speak, without leave.

22. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of or across the House, nor

in such case when a member is speaking, shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the Chair.

23. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case where he was not present, when the question was put.

24. Upon a decision and count of the House on any question, no member without the bar shall be counted.

25. Every member who shall be in the House when the question is put, shall give his vote, unless the House for special reasons shall excuse him.

26. When a motion is made and seconded, it shall be stated by the Speaker, or being in writing it shall be handed to the Chair and read aloud by the Clerk before debate.

27. Every motion shall be reduced to writing if the Speaker or any member requires it.

28. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn any time before decision or amendment.

29. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain, to commit or to postpone indefinitely being decided, shall be again allowed on the same day and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and if carried shall be considered equivalent to its rejection.

30. When a resolution shall be offered, or a motion made to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order: the Committee of the whole House on the affairs of the State, the Committee of the whole House, a standing Committee, a select Committee.

31. A motion to adjourn shall always be in order, and the motion to lie on the table, shall be decided without debate.

32. The previous question shall be in this form, "shall the main question be now put?" it shall be only admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendments, and further debate of the main question.

33. On a previous question there shall be no debate.

34. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

35. Any member may call for the division of a question, which shall be divided if it comprehend questions so distinct, that on being taken away the rest may stand entire for the decision of the House: a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

36. Motions and reports may be committed at the pleasure of the House.

37. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

38. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof, on the same or the succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

39. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

40. A proposition requesting information from the Governor of the State, or directing it to be furnished by the heads of either of the Executive Departments, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented immediately after reports are called for from Select Committees, and when adopted the Clerk shall cause the same to be delivered.

41. Petitions, memorials and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place: a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

42. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.

43. Upon calls of the House, or in taking the ayes and noes on any question, the names of the members shall be called alphabetically.

44. Any member may excuse himself from serving on any

committee at the time of his appointment, if he is then a member of three other committees.

45. No member shall absent himself from the service of the House, unless he have leave or be sick and unable to attend.

46. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuse are made, may by order of those present, if ten in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found by special messengers to be appointed for that purpose.

47. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge be with or without paying fees; and in like manner whether a delinquent member taken into custody by a special messenger shall or shall not be liable to defray the expense of such special messenger.

48. A Sergeant-at-Arms shall be appointed to his office during the pleasure of the House, whose duty it shall be to attend the House during its session, to execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

49. The fees of the Sergeant-at-Arms shall be—for every arrest the sum of two dollars; for each day's custody and release, one dollar; and for travelling expenses for himself or special messenger going and returning, twelve and a half cents per mile.

OF BILLS.

50. Every bill shall be introduced by motion for leave, or by an order of the House on the report of the committee, and in either case a report of the committee to prepare the same shall be appointed.

51. Every bill shall receive three several readings in the House previous to its passage. All bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day without the suspension of the rule by a majority of four-fifths of the House.

52. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

53. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

54. Upon the second reading of a bill the Speaker shall state it as ready for commitment, amendment, or engrossment; and if committed, then a question shall be, whether to a standing or select committee, or to a committee of the whole House: the House shall determine on what day.

55. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

56. No amendment by way of order shall be received to any bill on its third reading.

OF COMMITTEES OF THE WHOLE.

57. It shall be in order throughout the session for the House to resolve itself into a committee of the whole House on the affairs of the State.

58. In forming a committee of the whole House the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

59. The Rules of the House, so far as applicable, shall be observed in Committee of the Whole.

60. Upon bills committed to a committee of the whole House the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House; after report the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

61. No standing rule or order of the House, shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by the vote of at least two thirds of the members present. Nor shall the order of business as established by the rules of the House, be postponed or changed, except by a vote at least two thirds of the members present.

62. It shall be in order for the Committee on enrolled bills to report at any time.

63. No person shall be permitted to perform divine services in the chamber occupied by the House of Representatives unless with the consent of the Speaker.

64. The rules for paying witnesses summoned to appear before this House, or either of the Committees shall be as follows: for each day a witness shall receive the sum of two dollars; for each mile he shall travel, on coming to, or going from the place of examination, the sum of one dollar and a half cents each way; but nothing shall be paid for traveling home, when the witness has been summoned at the place of trial.

65. All questions of order shall be noted by the Clerk with the decision, and put together at the end of the journal of every session.

JOINT RULES AND ORDERS OF THE TWO HOUSES

1. In every case when an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, such committee shall at a convenient hour to be agreed to by their Chairman, meet in the conference chamber and state to each other verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House, by the Door Keeper, and shall be respectfully communicated to the Chair by the person, to whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk, of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled on paper by the Enrolling Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may be referred to, and the original of the bill shall be deposited in the Journal of the Senate.